

HOUSE BILL 1340

C5

0lr3269

By: **Delegate Davis**

Introduced and read first time: February 18, 2010

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Electric Companies and Gas Companies – Customer Account Information**

3 FOR the purpose of requiring an electric company, a gas company, or an electric and
4 gas company, on a certain request by a certain competitive supplier of electricity
5 or gas, to provide certain information related to certain customer accounts to
6 the supplier, subject to a certain restriction; requiring the distribution utility to
7 provide the information in a certain form and to update it periodically;
8 prohibiting a distribution utility from providing certain information without the
9 prior authorization of a certain customer; providing the method by which a
10 distribution utility must obtain the customer's authorization, including
11 requiring certain notice to be provided containing certain information; requiring
12 the notice to be provided to certain customers at certain times; establishing
13 when a customer is deemed to have given certain authorization; authorizing a
14 customer to withdraw authorization in a certain manner; requiring a
15 distribution utility to ensure that certain information is not shared under
16 certain circumstances; requiring the Public Service Commission to establish a
17 certain fee in a certain manner to cover certain costs; providing that a
18 competitive supplier may use certain information only for a certain purpose;
19 prohibiting a competitive supplier from selling or providing certain information
20 to any other person, with a certain exception; authorizing a competitive supplier
21 to provide certain information to an authorized agent for a certain purpose;
22 providing that the authorized agent is subject to the same restrictions on the
23 use, sale, or provision of the information as the competitive supplier; providing
24 that this Act does not apply to an electric cooperative or a gas cooperative;
25 defining certain terms; and generally relating to electricity, gas supply, and
26 customer account information.

27 BY adding to

28 Article – Public Utility Companies

29 Section 7–510.1

30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2008 Replacement Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Public Utility Companies

7-510.1.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “COMPETITIVE SUPPLIER” MEANS:

(I) AN ELECTRICITY SUPPLIER LICENSED UNDER THIS SUBTITLE; OR

(II) A GAS SUPPLIER LICENSED UNDER SUBTITLE 6 OF THIS TITLE.

(3) “DISTRIBUTION UTILITY” MEANS AN ELECTRIC COMPANY, A GAS COMPANY, OR AN ELECTRIC AND GAS COMPANY.

(B) THIS SECTION DOES NOT APPLY TO AN ELECTRIC COOPERATIVE OR A GAS COOPERATIVE.

(C) (1) SUBJECT TO SUBSECTION (D) OF THIS SECTION, ON THE WRITTEN REQUEST OF A COMPETITIVE SUPPLIER LICENSED BY THE STATE, A DISTRIBUTION UTILITY SHALL PROVIDE THE COMPETITIVE SUPPLIER WITH THE FOLLOWING CUSTOMER ACCOUNT INFORMATION FOR EACH RESIDENTIAL, SMALL COMMERCIAL, AND MEDIUM COMMERCIAL CUSTOMER LOCATED IN THE SERVICE TERRITORY OF THE DISTRIBUTION UTILITY:

(I) THE ACCOUNT NAME AND NUMBER;

(II) THE BILLING ADDRESS;

(III) THE SERVICE ADDRESS;

(IV) THE UTILITY RATE CLASS;

(V) THE STANDARD OFFER SERVICE TYPE, IF ANY;

(VI) THE LOAD PROFILE;

1 (VII) THE POWER USAGE FOR THE PRECEDING 12-MONTH
2 PERIOD FOR EACH TYPE OF POWER; AND

3 (VIII) THE TYPE OF POWER SUPPLIED TO THE CUSTOMER:

- 4 1. GAS;
- 5 2. ELECTRICITY; OR
- 6 3. GAS AND ELECTRICITY.

7 (2) A DISTRIBUTION UTILITY SHALL PROVIDE THE INFORMATION
8 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN ELECTRONIC FORM
9 AND UPDATE THE INFORMATION AT LEAST FOUR TIMES EACH YEAR.

10 (D) (1) A DISTRIBUTION UTILITY MAY NOT PROVIDE CUSTOMER
11 ACCOUNT INFORMATION UNDER SUBSECTION (C) OF THIS SECTION WITHOUT
12 THE PRIOR AUTHORIZATION OF THE CUSTOMER NAMED ON THE ACCOUNT.

13 (2) (I) TO OBTAIN THE AUTHORIZATION OF A CUSTOMER, A
14 DISTRIBUTION UTILITY SHALL SEND THE CUSTOMER NAMED ON THE ACCOUNT
15 WRITTEN NOTICE OF:

16 1. THE TYPE OF ACCOUNT INFORMATION THAT
17 WOULD BE PROVIDED TO A COMPETITIVE SUPPLIER;

18 2. THE RIGHT OF THE CUSTOMER TO:

19 A. REFUSE TO AUTHORIZE THE DISTRIBUTION
20 UTILITY TO SHARE INFORMATION REGARDING THE CUSTOMER'S ACCOUNT; OR

21 B. WITHDRAW AN EARLIER AUTHORIZATION; AND

22 3. THE MANNER IN WHICH THE CUSTOMER IS
23 REQUIRED TO INDICATE A REFUSAL OF AUTHORIZATION OR A WITHDRAWAL OF
24 A PREVIOUS AUTHORIZATION.

25 (II) THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF
26 THIS PARAGRAPH SHALL BE PROVIDED:

27 1. AS PART OF THE WRITTEN MATERIALS SUPPLIED
28 TO NEW CUSTOMERS WHEN THE CUSTOMER APPLIES FOR SERVICE; AND

1 **2. AS A BILL INSERT TO EXISTING CUSTOMERS**
2 **PRIOR TO THE FIRST TIME THAT THE DISTRIBUTION UTILITY PROVIDES**
3 **INFORMATION UNDER THIS SECTION.**

4 **(3) (I) A CUSTOMER IS DEEMED TO HAVE AUTHORIZED A**
5 **DISTRIBUTION UTILITY TO PROVIDE INFORMATION ABOUT THE CUSTOMER'S**
6 **ACCOUNT UNDER THIS SECTION IF, WITHIN 45 DAYS AFTER NOTICE IS GIVEN**
7 **UNDER THIS SUBSECTION, THE CUSTOMER DOES NOT INFORM THE**
8 **DISTRIBUTION UTILITY OF THE CUSTOMER'S REFUSAL IN THE MANNER**
9 **PRESCRIBED BY THE NOTICE.**

10 **(II) 1. A CUSTOMER MAY WITHDRAW AUTHORIZATION AT**
11 **ANY TIME BY NOTIFYING THE DISTRIBUTION UTILITY IN THE MANNER**
12 **PRESCRIBED BY THE NOTICE.**

13 **2. IF A CUSTOMER WITHDRAWS AUTHORIZATION,**
14 **THE DISTRIBUTION UTILITY SHALL ENSURE THAT THE CUSTOMER'S ACCOUNT**
15 **INFORMATION IS NOT PROVIDED IN THE NEXT UPDATE.**

16 **(E) (1) THE COMMISSION SHALL SET A FEE THAT A COMPETITIVE**
17 **SUPPLIER SHALL PAY TO THE DISTRIBUTION UTILITY FOR PROVIDING THE**
18 **INFORMATION PROVIDED UNDER SUBSECTION (C) OF THIS SECTION TO THE**
19 **COMPETITIVE SUPPLIER.**

20 **(2) THE COMMISSION SHALL SET THE FEE IN AN AMOUNT**
21 **SUFFICIENT TO REIMBURSE THE DISTRIBUTION UTILITY FOR ALL COSTS**
22 **ARISING FROM CREATING, MAINTAINING, AND PROVIDING THE INFORMATION**
23 **PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, INCLUDING THE COSTS OF**
24 **PROVIDING THE CUSTOMER NOTICE REQUIRED UNDER SUBSECTION (D)(2) OF**
25 **THIS SECTION.**

26 **(F) (1) A COMPETITIVE SUPPLIER MAY USE THE INFORMATION**
27 **OBTAINED UNDER THIS SECTION ONLY TO MARKET SERVICES RELATED TO**
28 **ELECTRICITY AND GAS SUPPLY.**

29 **(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
30 **PARAGRAPH, A COMPETITIVE SUPPLIER MAY NOT SELL OR PROVIDE ANY**
31 **INFORMATION OBTAINED UNDER THIS SECTION TO ANY OTHER PERSON,**
32 **INCLUDING AN AFFILIATE OF THE COMPETITIVE SUPPLIER.**

33 **(II) A COMPETITIVE SUPPLIER MAY PROVIDE INFORMATION**
34 **OBTAINED UNDER THIS SECTION TO AN AUTHORIZED AGENT TO DEVELOP OR**
35 **IMPLEMENT A MARKETING CAMPAIGN IN ACCORDANCE WITH PARAGRAPH (1)**
36 **OF THIS SUBSECTION.**

1 **(III) AN AUTHORIZED AGENT OF A COMPETITIVE SUPPLIER**
2 **THAT HAS OBTAINED INFORMATION UNDER SUBPARAGRAPH (II) OF THIS**
3 **PARAGRAPH IS SUBJECT TO THE SAME RESTRICTIONS ON THE USE, SALE, OR**
4 **PROVISION OF THE INFORMATION TO WHICH THE COMPETITIVE SUPPLIER IS**
5 **SUBJECT UNDER THIS SUBSECTION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 July 1, 2010.